

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 08-0730 WHA

Plaintiff,

v.

**ORDER GRANTING DEFENDANT  
GUILLERMO HERRERA'S MOTION TO  
EXCLUDE JAIL INCIDENTS**

GUILLERMO HERRERA, *et al.*

Defendants.

As stated at the March 29 hearing, defendant Guillermo Herrera's motion to exclude evidence regarding the two jail fights that occurred on October 13, 2009, and October 13, 2010, is **GRANTED** (Dkt. No. 3575). The current record does not support the government's assertion that the two fights were gang-related or inextricably intertwined with the charges. The probative value of evidence of the fights does not outweigh the prejudice that would inure from admission of evidence of the fights.

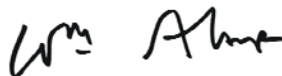
If one of the defendants puts the fights into issue at trial, however, this order's Rule 403 determination may be revisited upon proper motion.

Defendants Moris Flores and Angel Noel Guevara move to join in the motion. Defendant Flores' motion is **GRANTED**. Defendant Guevara's motion is **GRANTED IN PART** with respect to the incidents raised in this motion only — defendant Guevara's motion to different jail incidents not raised in defendant Herrera's motion was previously denied and this order does not modify that ruling. Defendants Walter Cruz-Zavala and Erick Lopez move to join in defendant Flores'

substantive joinder in support of the motion (Dkt. No. 3607). The joinder motions are **GRANTED**.

**IT IS SO ORDERED.**

Dated: March 30, 2011.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE